

CERTIFIED TRUE COPY

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: Pauline Foley
Deputy Attorney General
Department of Law & Public Safety
Division of Law
124 Halsey Street, P.O. Box 45029
Newark, New Jersey 07101
(201) 648-3696

RECEIVED & FILED
MAR 19 1997
CLERK
SUPERIOR COURT

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: MERCER COUNTY
DOCKET NO. C-16-97

PETER VERNIERO, ATTORNEY GENERAL	:	
OF NEW JERSEY and THE NEW JERSEY	:	Civil Action
STATE BOARD OF DENTISTRY,	:	
	:	ORDER
Plaintiffs,	:	
vs.	:	
CARLOS MANUEL ORTEGA, a/k/a Carlos	:	
Manuel, "Carlos ML", and/or	:	
Carlos ML Ortega Gonzalez,	:	
Defendant.	:	

THIS MATTER was opened to the Court by Peter Verniero, Attorney General of New Jersey, counsel for plaintiffs Peter Verniero, Attorney General of New Jersey and the New Jersey State board of Dentistry, Deputy Attorney General Pauline Foley, appearing, upon the filing of an Order to Show Cause for Injunctive Relief with Temporary Restraints and Authorization for Inspection and Impoundment of Evidence and a Verified Complaint alleging that defendant Carlos Manuel Ortega, a/k/a Carlos Manuel, "Carlos ML," and/or Carlos ML Ortega Gonzalez, engaged in the unlicensed practice of dentistry in violation of the Dental Practice Act, N.J.S.A. 45:6-1 et seq. An order entering temporary restraints and authorizing the impoundment of evidence of unlawful dental practice was entered by the Court ex parte on February 5, 1997. Defendant was personally served with a copy of the Order to Show Cause,

the Verified Complaint and letter brief on February 11, 1997. The Order to Show Cause directed defendant to appear on February 24, 1997 at 10:00 a.m. before the Honorable Samuel D. Lenox, Jr., A.J.S.C., Retired -- On Recall t/a Chancery Division, at the Superior Court of New Jersey, Chancery Division, Mercer County, 209 South Broad Street, Trenton, New Jersey to show why the relief requested by the plaintiffs should not be ordered. Further, the defendant was ordered to file with the Court and serve upon Deputy Attorney General Pauline Foley an answering affidavit or appropriate motion supported by a brief no later than five days prior to the February 24, 1997 return date.

Defendant failed to appear as ordered for the show cause hearing held on February 24, 1997. In addition, defendant failed to file an answer or motion with the Court or upon Deputy Attorney General Foley. Further, defendant did not communicate in any way to the Court or D.A.G. Foley. An Affidavit of Service by Investigator Barry Vazquez dated February 11, 1997 showing that defendant had been timely served with all appropriate papers was provided to the Court by letter dated February 11, 1997. On the basis of defendant's failure to appear in Court and to respond to this matter, Deputy Attorney General Pauline Foley moved for summary disposition against defendant. On February 24, 1997, the Attorney General also moved for leave to file an amend the Complaint to include the name Carlos ML Ortega Gonzalez, as a name used by defendant. Leave to file the Amended Complaint was granted by the court on February 24, 1997. The Court then proceeded to receive proofs of defendant's unlicensed practice as presented by the Attorney General. The issue of whether the term "costs for use of the State" as found in N.J.S.A. 45:1-25 includes investigative fees was raised sua sponte by the Court at the

February 24, 1997 return date. The Attorney General was asked to prepare a letter memorandum regarding the issue. A brief was submitted to the Court by letter dated March 18, 1997.

The Court having considered the motion for summary disposition, as well as the pleadings, brief and affidavits filed by plaintiffs, along with the proofs presented and finding by a preponderance of the evidence that defendant has engaged in the unlicensed practice of dentistry,

IT IS on this *19th* day of *March*, 1997,

ORDERED, that:

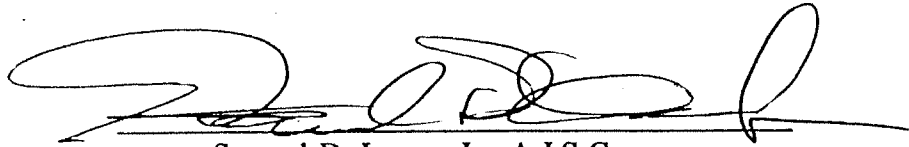
1. Defendant is hereby permanently enjoined from engaging in or offering to engage in the practice of dentistry as defined in the Dental Practice Act, N.J.S.A. 45:6-1 et seq. until licensure from the New Jersey State Board of Dentistry is secured. Defendant further shall not be permitted to own, possess or control any dental instruments, material, supplies or equipment as are customarily utilized in the practice of dentistry.

2. Defendant is hereby assessed the costs of the investigation to the State in the amount of \$4,307.98, pursuant to N.J.S.A. 45:1-25. Said costs shall be paid by certified check or money order made payable to the State of New Jersey and sent to Ms. Agnes Clarke, Executive Director for the Board of Dentistry, 124 Halsey Street, P.O. Box 45005, Sixth Floor, Newark, New Jersey 07101. The payment shall be submitted to the Board office no later than seven (7) days after the entry of the within Order.

3. Plaintiffs, or their designated representatives, are hereby authorized to dispose of the dental equipment and items confiscated in the impoundment of February 11, 1997, in such manner as they determine to be appropriate. Within fourteen (14) days after the entry

date of the within Order, the defendant may request the return of the impounded items which are not utilized in the practice of dentistry. In the event of disagreement concerning whether a particular item is utilized in the practice of dentistry, the Board of Dentistry shall make the final determination whether the items shall be returned to the defendant.

4. Defendant shall be served with a copy of this order within 7 days of entry of the within Order.

A handwritten signature in black ink, appearing to read 'Samuel D. Lenox, Jr.', written over a horizontal line.

Samuel D. Lenox, Jr., A.J.S.C.
Retired -- On Recall t/a Chancery Division